

THE MARTHA'S VINEYARD COMMISSION

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Minutes of the Meeting of June 17, 2004

Held in the Stone Building

33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: James Athearn (Elected – Edgartown), John Best (Elected – Tisbury), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected - Aquinnah), Doug Sederholm (Elected - Chilmark), Paul Strauss (County Comm. Rep.), Richard Toole (Elected – Oak Bluffs), Andrew Woodruff (Elected – West Tisbury)

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Analyst), Christine Flynn (Economic and Housing Planner), Srinivas Sattoor (Traffic Planner)

1. MINUTES

Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, N. Orleans, M. Ottens-Sargent, D. Sederholm, P. Strauss, R. Toole, A. Woodruff

Richard Toole moved and it was duly seconded to accept the minutes of May 13, 2004, with the following corrections:

- Page 12, line 9 should read: “**Linda Sibley** state that through special legislation the Steamship Authority has made itself exempt from Commission review and certain kinds of permitting. She asked whether any agency would have oversight. A DCPC would have oversight, but the question remains as to whether the land is town-owned or park-owned. **Jane Greene** asked whether the north bluff has become part of the DCPC. **John Breckenridge** said, no, the line stops in the middle of the street.”
- Page 12, line 18 should read, “His understanding was that Cassie Roessel was not particularly interested in a public forum.”

A voice vote was taken: In favor: 10. Opposed: 0. Abstentions: 0.

2. LUPC MEETINGS

Monday, June 21st at 5:30

- 111 Realty Trust, Oak Bluffs; mid or post hearing review
- 4 Causeway Road, Vineyard Haven; mid-hearing review

Monday, June 28th – no meeting

Wednesday, June 30th at 5:30

- Site visit - Dukes County Savings Bank, know as the Nobnocket Property. There has been an informal LUPC meeting and they will be coming in with a formal application.

Christina Brown said that a meeting to work on the Standards and Criteria for regional impact would be scheduled after staff finishes the Community Development Plans

Christina Brown and **Megan Ottens-Sargent** discussed the schedule for site visits.

Megan Ottens-Sargent said that 8:30 a.m. is good, as is 4:30 p.m. on Mondays before an LUPC meeting. The Commission agreed that 5:30 p.m. on Thursdays before a Commission meeting is not a good time.

3. OTHER

3.1 Airport Master Plan

Mark London reported that Jo-Ann Taylor is preparing staff comments on the Airport Master Plan draft Environmental Impact Report. The comments do not report on the Commission's opinion on the plan but is essentially a technical review dealing with how the Airport responded to environmental issues raised by Commission staff.

3.2 Forum

Mark London reported that the next forum is "The View from the Road" on Wednesday, June 23rd at 7:30 p.m. at the Polly Hill Arboretum Far Barn, preceded at 6:30 p.m. with a reception for a Vineyard artists' exhibit on their interpretation of the view from the road.

4. ONE ELEVEN REALTY TRUST, 111-117 NEW YORK AVENUE: DRI NO. 335, MODIFICATION 2 – PUBLIC HEARING

Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, N. Orleans, M. Ottens-Sargent, D. Sederholm, P. Strauss, R. Toole, A. Woodruff

For the applicant: Jack E. Robinson: owner

Christina Brown opened the public hearing, read the hearing notice, and summarized the proposal.

- The proposal is to construct an addition to a 5-room inn of 14 new guestrooms, 5 rooms for affordable staff housing, porches, and a connector.
- The addition would be approximately 11,000 square foot total area on a 5,132 square foot footprint.
- A hearing was previously held on a proposed addition to 111 Realty Trust. That hearing was closed because the applicant chose to bring in an enlarged modified plan with greater impact that was re-advertised.
- Comments or written testimony made in relation to the previous application don't carry over to this new hearing. If members of the public want their previous comments to carry over, they will need to specifically say so.
- The purpose of the public hearing is to hear the proposal from the applicant, to give Commissioners an opportunity to ask questions, to hear from town boards, and to hear from members of the public.

4.1 Applicant's Presentation

Jack Robinson said that his understanding is that through the Commission's enabling legislation, the Commission can consider some undefined areas such as ecological, environmental, cultural and historical issues.

- In order for him to understand what the Commission is looking for, he researched the Commission's decisions for the last thirty plus years.
- He presented an article from the *Vineyard Gazette* from the previous week about the decline of inns on the Island. The article stated that 20% of the inns and motels and hotels on the island are for sale to private owners as residential sites. The same is true in Nantucket. Additionally, corporations and businesses are buying up the inns for private use.
- He read about a 1976 decision by the Commission on the Harborview Hotel's application to divide into two lots. The development was within 500 feet of Edgartown Harbor and lay below 10 feet elevation. It did not comply with the guidelines of the Coastal District and the Harborview denied the Commission access to the location. The Harborview's application was denied.
- In 1984, a 34-room hotel in Edgartown. The benefits outweighed the detriments and the Commission approved that addition.

- In 1986 the Chicama Inn's application for 22 units and one office was rejected. Each unit was to have two bathrooms and a wet bar. In 1987, because of various amendments in the plan, the Commission reversed and approved the plan.
- In 1987, the Arbor Inn in Edgartown wanted to construct an addition of four to six rooms on an existing structure, which was approved by the Commission.
- In 1988, the Chadwick Inn in Edgartown received an approval by the Commission for an application that included 4 new hotel rooms.
- In 1995, the Wesley House applied to construct a new 33-room hotel with an ornamental tower, which was approved.
- In 2004, an application to modify a DRI consisting of renovation of the South building porch wing of the Colonial Inn.

Mr. Robinson presented information on various aspects of the proposal.

- The Commission has an historical record of dealing with proposals such as theirs, which is asking for a 14-room addition on a site of more than 1.25 acres.
- He presented the Commission with a letter from a professional engineer and land surveyor, Doug Downing of Vineyard Haven, in which he attests that the property has adequate septic and leaching facility to support this 14-room addition.
- He had a private arborist conduct a survey of everything vegetation and to evaluate the existing greenery. Using Bartlett Tree Service and the Commission's arborist, one tree was found to be dead. The revised plan maintains all 56 trees and does not call for the elimination of any trees.
- He explained the economic aspects of the proposals. The Massachusetts Office of Travel and Tourism's figures on the impact tourism has on Massachusetts show that 25 million people visit this area annually, with \$11 billion of tourist money coming into the state. More than 25,000 jobs are related to tourism. In Duke's County, \$952 million is brought into this economy. He said that without the ability of people to travel to Martha's Vineyard, the economic impact is obvious.
- He spoke about cultural aspects of the proposal and explained that the Master Plan survey asked respondents to answer "What action should be taken by Town Boards to make it the kind of town you think it should be?" 80% of those responding chose "preserve historic and cultural areas." African Americans are a vanishing breed on the Island. African Americans were on Martha's Vineyard before the revolution in 1775. Even after the Emancipation Proclamation, African Americans had a presence on the island along with the Wampanoags. The Martha's Vineyard Racquet Club Resort fulfilled a historic necessity 10 to 15 year ago for African Americans who unfortunately could not get housing on the Island. The Racquet Club was designed for that purpose. It is a non-profit entity. Mr. Robinson explained that their kids had to circulate on Circuit Avenue. There was no place for them to go, and in his opinion it has not improved much today.

- He spoke to the issue of the size of the project which, he said, some have said is too big and some have said is okay. On streetscape photos, Mr. Robinson explained that only 20% of the building would show whether the approach is from the north or the south. With the new siting plan, the streetscape will not change from the way it was fifty years ago. The streetscape issue has been solved.
- Regarding parking, Mr. Robinson did his own survey of parking and hotels in Oak Bluffs. Wesley Hotel: 95 rooms, 0 parking spaces; Surfside Hotel: 39 rooms, 19 parking spaces; The Pequot: 32 rooms, 0 parking spaces; Dockside: 4; Ship's Inn: 0; Martha's Vineyard Resort: 5 rooms; 10 parking spaces. Statistic-wise, Mr. Robinson believes that his proposal has more parking spaces than other Oak Bluffs hotels.
- He explained the site plan. The original house, which at one time housed slaves, then was a chicken coop, then a residence, will remain. The architectural design makes it possible to keep all the trees. The two tennis courts will remain. The setbacks at 34 feet more than meet the requirements of R1 and R2 districts. Instead of 24 feet to the adjoining neighbor, the setback is 44 feet. The proposal does not ask for any variance for any setbacks.
- Regarding neighbors and abutters, he showed a graphic indicating the location of neighbors and abutters, who support, oppose, or who provided unsolicited support. 76 neighbors have voiced support or not opposed the proposal, 4 have opposed it.
- He believes he has dealt with every aspect that the Commission has raised, even ones he believed to be unfair.

Mr. Robinson described the new proposal.

- The front elevation is 150 feet from Chickawauke.
- Trees will shield the building from view of the side elevation from New York Avenue, with a setback of 44 feet.
- His proposal responded to the Commission's concern about Affordable Housing. After talking with staff, the Robinsons developed a plan that not only matches the dollar amount, but also provides housing for staff.
- The first floor has a large lobby that has been there for 15 years, with a back office and lounge, which will probably be a daycare center.
- Handicap access is provided to the first floor.
- In the second floor plan, six new rooms have been added to the five that are already there.
- The third floor plan has six new rooms.
- In response to concerns that the rooms are too large, he said that the rooms are no larger than the ones at the Mansion House; if they were to construct smaller rooms, he feels that they would be building obsolescence. The proposed rooms are comparable to existing rooms in the island. The market demands larger rooms than the ones currently in the bed and breakfast.
- The Oak Bluffs Master Plan says that Oak Bluffs wants to attempt to go back to the style of the old grand hotels. The Robinsons are trying to meet that

mandate by bringing something to the town that the citizens will appreciate, that the town will appreciate, and that abutters can appreciate.

- He concluded by saying that they are a vanishing breed, but if they vanish, so does the economy of the island.

4.2 Staff Report

Paul Foley gave the administrative background.

- The proposal is to expand the existing racquet club inn of five rooms to a total of 24 rooms with 19 guestrooms and five employee rooms.
- The zoning area is R2. The proposed use is allowed but requires a special permit. Business district 1 allows hotels; business district 2 allows hotels but limits them to no more than 12 rooms. [Note: this is no longer in effect, as corrected in later testimony from John Bradford.]
- With respect to surrounding land uses, the property is bordered to the west by the Christian Science Church, is across the street from the Community Solar Greenhouse, and is in a neighborhood that is primarily residential although here is a bookshop, bait store, a tarot card reader, and a real estate office.
- The MV Racquet and Fitness Club originally came to the Commission in 1991. The Commission approved the residential property into the conversion to a non-profit recreational club with certain conditions including:
 - the pro shop needed to be carefully reviewed to limit it to members only;
 - the sale and service of alcohol was not allowed;
 - the building inspector was to review the structural integrity of the building;
 - the Board of Health was to insure that the septic was adequate;
 - all run-off was to remain on site;
 - the Zoning Board of Appeals was to establish hours of operation;
 - no lights were to be erected for the tennis courts;
 - the situation of cars backing onto Chickawaukee Street was to be eliminated;
 - the parking plan was to keep parking on site.
- During the 1991 proceedings, a number of other issues were raised: the MVC's decision was based solely on the conversion of a residential property to a non-profit recreational club. The issue of the bed and breakfast was left to the town.
- Earlier this year, the applicant proposed an addition of 14 rooms of 4968 square feet beside the present structure. At the LUPC meeting on April 26th, Mr. Robinson, in response to the streetscape and affordable housing concerns of the Commission, revised the proposal, which increased the size but placed the structure behind the existing building. Because it was an increase in size, the hearing was closed and a new hearing was scheduled.
- The proposal was referred to the Commission by the Oak Bluffs Building Inspector.
- Mr. Robinson has met with staff; he's been to three LUPC meetings.

Paul Foley summarized the proposal.

- The existing structure is 4512 square feet. This proposal is for a building of 11,500 sq. ft, creating a total of about 15,000 sq. ft.
- Some of the key issues raised include the fact that the proposal will more than triple the area of the structure and the proposal will result in the expansion of a hotel use in a residential area which could fundamentally change the neighborhood.
- Mr. Robinson proposes to save all the 56 major trees on the property.
- Water will be town water. There should be no physical constraints on the disposal of stormwater and wastewater runoff in this type of soil, at this elevation. The wastewater will be disposed of in a Title 5 system. The applicant has presented a letter from his engineer that the property has the capacity to handle the increased flow without taking any of the trees.
- Regarding transportation, the property is on New York Avenue with a circular drive. It is on the bus route, it is a short bike ride to Oak Bluffs and Vineyard Haven, and is a 1/3-mile walk to downtown Oak Bluffs.
- Grass parking is available on site. Zoning requires 15 parking spaces; the applicant feels only 9 are necessary but has identified 15 spaces on site.
- The traffic report suggests that the additional 14 rooms will generate at most 28 trips per day at the height of the season. The Commission consultant agreed that this was a reasonable trip generation estimate.
- Regarding Affordable Housing, Mr. Robinson presented a letter stating that on the receipt of all approvals, he would donate \$2968, a calculated amount based on his original proposal. Since the original proposal he has increased the size of the building but it includes five dormitory style rooms for employees.
- Regarding streetscape, it is a highly traveled, major island road. Mr. Robinson responded to concerns about streetscape by placing the addition behind the present structure.
- Architectural detailing is a wrap-around covered porch, which will enclose the present structure, a tower and Victorian details influence by the large hotels of the past.
- Some abutters and neighbors have expressed concern about the scale of the building and that it is a project of non-conforming use. Mr. Robinson, at the time of the original proposal and again tonight, presented a graphic indicating the support and opposition of neighbors and abutters. The Commission has received five letters from the public on this new application:
 - Simone McCarthy, a direct abutter, strongly objects;
 - Carlton and Laverne Mitchell of 95 New York Avenue have no objection;
 - Mr. and Mrs. Joseph Volkins have no objections;
 - Reverend Dr. James Loving, Jr., sent a letter in support of the proposal;
 - Spenser Felder sent an e-mail in support of the proposal.
- Mr. Robinson had requested a history of hotel DRIs, some of which he talked about. Paul Foley went over the list to address issues that Mr. Robinson may not have mentioned. The Harborview Hotel in 1976 proposed to subdivide a lot, which was denied.

Christina Brown clarified that the Harborview proposal was not a hotel proposal but a proposal to subdivide the land going down to the lighthouse. She explained that controversy surrounded that land for years and it is now a town park.

Paul Foley summarized previous hotel decisions:

- In 1984 the Edgartown Inn proposed to construct a 42-room hotel; on their third public hearing they revised their proposal to 34 rooms. They were approved with conditions that included submitting septic plans to the LUPC, a planting plan to screen from the neighbors and to prevent light from protruding onto the neighbors' property. The LUPC also provided standards for height, width, and setback and a list of acceptable plantings. They also required low intensity exterior lighting and that heating and cooling systems should be insulated for noise.
- In 1986 the Chicama Inn proposed to construct a 25-guestroom inn of 6000 square feet. They were denied because of the size, the increase in the intensity in the use of the land and because they were not in keeping with the character of the town. The Chicama Motel Suites came back with a 5-suite motel with 3000 square feet was approved, but the motel was never built.
- In 1987 the Harbor Inn in Edgartown proposed to construct a 1500-square-foot addition with four guestrooms. The existing structure had been 2500 square feet with six guestrooms. They were approved with conditions that architectural materials would be consistent with existing building and the site improvements were to be consistent with the existing landscape.
- In 1988 the Chadwick Inn in Edgartown proposed to expand an historic structure of 8375 square feet with 15 rooms; they wanted to demolish a garage and construct an addition of 6225 square feet, an approximate 80% increase in size with an additional 7 guestrooms, which is little more than 50%. They were approved with conditions: the architectural and landscape plans had to be approved by the Historic Commission; the demolition of the garage was allowed; and they were told that the addition could not exceed 6225 square feet nor exceed 21 guestrooms and baths.
- The Wesley Inn in Oak Bluffs in 1989 wanted to demolish a 100-year-old 2 1/2 story building with 20 guestrooms, 5 toilets and 2 showers, and construct 33 bedrooms and bathrooms. This was denied because of an order that did not allow an increase in septic flow in the Campgrounds. Five years later, the DEP and the Campground came to an agreement that allowed for increased septic flow because of improved systems so the Wesley Inn's proposal was approved. Conditions included a very strict building envelope.
- In 1989 the Surfside Hotel wanted to add 4 guestrooms to their 30 guestrooms, adding 100 square feet; that was approved with conditions on ADA requirements, staff would use one of the additional rooms and Oak Bluffs Architectural Assistance Committee was to approve the façade.
- In about 2000 the Pequot tried to do an addition but they were denied because of lack of parking.

- Most recently the Colonial Inn was approved to downscale 15 rooms in one wing to 8 rooms. Several years ago, the Inn proposed going from 42 rooms to 52 rooms. They were denied because the proposal was a major traffic generator.

Various Commissioners and staff clarified the locations and zoning for some of the hotels listed:

- The Edgartown Inn is the Heritage Hotel on upper Main Street, down the street from the Stop & Shop, which is in the B-2 commercial district.
- The Arbor Inn is on Main Street, across from the Heritage Hotel in a B-2 business district.
- The Chadwick is in B-1 on Winter Street.
- The Wesley is in a business district, surrounded by the Campground and residential district.
- Over nine hotels in Oak Bluffs have been around for over 120 years.
- The Surfside is in a B-2 district.
- The Pequot is in a residential area but the one block of the hotel is zoned business. Business district 2 is a small area in the North Bluff area.
- **Paul Foley** explained that most of the big hotels are concentrated downtown in the business district. Some of the small hotels are in the residential area. The largest of them that is zoned residential has 18 rooms. In the area of the Martha's Vineyard Racquet and Fitness Club, there are other smaller B & Bs along New York Avenue. The Four Gables has 4 rooms, the Admiral Benbow has 7 rooms, Mr. Robinson has 5 rooms presently, and the Federal House has five.
- The Colonial is in a business area.
- The Heritage Hotel was reduced by about 20% from 42 to 34 rooms.
- The Arbor Inn was a proposal for an expansion of about 60% of 1500 square feet.
- The Chadwick was an expansion of 75-80% of 6200 square feet.
- The Wesley was an expansion of about 65% in number of rooms.
- The Surfside was an expansion of about 10% in square footage.
- The Pequot was denied.
- And the Colonial was actually a reduction in the number of rooms with a slight increase in square footage.

Megan Ottens-Sargent asked about commercial versus residential zoning. **Paul Foley** clarified that B-2 zoning allows for up to 12 rooms. The Martha's Vineyard Racquet and Fitness Club is in a residential zone, in which hotels are allowed by special permit. In a residential zone, there is no number of bedrooms specified.

Megan Ottens-Sargent asked about the septic design. **Paul Foley** said that Mr. Robinson has offered to put the septic system under the tennis court. The Commission asked for a conceptual design; a letter was received from Doug Dowling, the septic engineer, regarding the new proposal stating there is adequate space for the septic design.

Jack Robinson said that Doug Dowling has stated that the septic system can be located so that no removal of trees is necessary.

Megan Ottens-Sargent asked about Victorian detailing and asked for details on the design elements. **Mr. Robinson** explained that the new design has a porch, a tower, a mansard roof. The windows are longitudinal. **Megan Ottens-Sargent** asked about the impact of the existing building.

Mark London spoke about the proposal and the existing building:

- The existing building will be reasonably toward the back.
- The goal of preserving Victorian architecture would normally be manifested by preserving existing architecture or rebuilding buildings that existed previously. The idea of building new “Victorian” structures is up for debate.
- Mark’s personal opinion is that a higher priority than Victorian detailing is having the new building harmonize with the existing structures on the site. For example, from an architectural point of view, it might be better to modify the design of the third floor to match the gable roofs of the existing structures; however, this is not necessarily a regional issue.

John Best said that the Gazette article pointed out is that smaller B & Bs can transition from one type of building to another. Given market and economic changes, the smaller B & Bs can make a transition nearly seamlessly. He ventured to guess that this building could not make that transition, and should this hotel not be successful, the building would not make an acceptable single-family residence.

Srinivas Sattoor, the Commission’s traffic planner, reiterated the previous traffic consultant’s conclusion that the proposal would not have a great impact on traffic.

Christine Flynn, Economic and Housing Planner, stated that originally the applicant was going to make a one-time contribution \$2968 to Duke’s County Housing Authority. The current proposal includes 5 rooms of housing for staff, which is consistent with the Commission’s Affordable Housing policy, plus the contribution of \$2968 to Duke’s County Housing Authority.

Megan Ottens-Sargent asked what happens to the club. **Mr. Robinson** responded that the club remains. In 1991 the basement level was for the club. The first floor lobby is a meeting room for the club. The upper floors are the bed and breakfast.

4.3 Testimony from Public Officials

John Bradford, Chairman of the Oak Bluffs Planning Board, said that the Planning Board hasn't really discussed the Robinsons' proposal. He explained the process the proposal would go through.

- Should the project come to the town, it would be coming to the board as a special permit granting authority. Within the town, the zoning permits hotels within the B-1 district, but no longer permits them within the B-2 district. The Board permits them with special permits under the zoning by-laws within the residential districts. The B & Bs and hotels within the town are actually operating under pre-existing non-conforming use.
- Until recently, the Zoning Board of Appeals was the special permit granting authority.
- The Planning Board cannot make a prior commitment on project that might come before the Board.
- He clarified that it would be a special permit and a site plan review. The board could impose conditions. The criteria for a special permit include: economic or community needs served by the proposal; traffic, including parking and loading; adequacy of utilities and other public services; neighborhood character and social structure; impact on the natural environment; potential physical impact including impact on town services, tax base, and employment.
- Any alteration of exterior or exterior expansion or change of use of certain types of structures involving more than 500 square feet would kick in a site plan review. The criteria for a site plan review are: minimize the volume of cut and fill; the number of removed trees 6 inches caliper or larger; the length of removal of stone wall; the areas of wetlands vegetation displaced; the extent of storm water flow; soil erosion; and the threat of air and water pollution.
- The review would be looking to maximize pedestrian and vehicular safety, minimize the obstruction of scenic views, minimize the visual intrusion by controlling the visibility of parking, etc., minimize glare of headlights and lighting intrusion; minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and other places; minimize contamination of groundwater from onsite waste water disposal systems, etc.; and insure compliance with the provisions of zoning by laws including parking signage, landscaping and environmental performance standards.

Andrew Woodruff asked for clarification on the statement that hotels are no longer allowed in the B-2 district.

John Bradford explained that the new zoning does not allow new hotels in B-2 because of the congestion. B-2 is viewed as a pedestrian and retail area, and is a small area.

Megan Ottens-Sargent asked for clarification on the zoning of the site on New York Avenue, which was clarified is an R-2, a residential district. In answer to her question,

John Bradford said that there are a few other kinds of businesses that can obtain a special permit in an R-2 district.

Richard Toole asked how this project might fit in with the Oak Bluffs Master Plan. **John Bradford** said that one of the results of the survey and hearings was the idea that people wanted to see the town restored to a family-oriented resort community. More inns and hotels would fall under that direction. The other idea was to restore the old grand hotels that had been in the town.

Mark London asked for clarification on the site plan review process. **John Bradford** explained that the Planning Board cannot deny a site plan review. A special permit can be approved with conditions or denied. Under the Board's by-laws the special permit granting authority also does the site plan review; the special permit and site plan review would be merged into one hearing.

Mark London also asked about the original 12-room threshold for hotel approval in the B-2 district. **John Bradford** said he didn't know where the number of 12 rooms came from but it may have been developed out of a typical B & B size and that the area probably couldn't accommodate anything larger. There was a larger structure in the Surfside Hotel, which was in both the B-1 and B-2 district, and was a pre-existing, non-conforming structure. When the Surfside proposed the addition of 4 rooms, it was within the B-1.

4.4 Public Testimony

Bob Dumais is the direct abutter to Mr. Robinson's property.

- He has no problem whatsoever with Mr. Robinson.
- He feels that Oak Bluffs is being overbuilt and that this structure does not belong in a residential area at this size.
- The other B & Bs in this area can easily be converted back to single-family homes; the proposed structure could not be easily converted back if it were not to be successful as an inn.
- He is concerned about the impact of this proposal on his land and lots he has for sale. He is not opposed to what Mr. Robinson stands for but to what he wants to do in a residential area.

Christina Brown described the written testimony.

- She summarized the letter from Simone McCarthy, trustee for Mr. Dumais' property. Ms. McCarthy strongly objects to the increasing size. She is concerned about nightly functions, which could bring more people and noise. She is concerned that the covered porch will bring more people and noise. She is concerned about the tennis courts, which are not currently lit at night but could be in the future. And she reiterates Mr. Dumais's concern about privacy and changing the neighborhood.

- A letter from the Rev. Dr. James Loving, who has been a visitor to Martha's Vineyard, urged the Commission's approval of Mr. Robinson's application.
- A letter from Carlton and Laverne Mitchell, owners of property at 95 New York Avenue, state that they have no objection to the proposal.
- A letter from Joseph Volkin (sp.?), visitor to the Martha's Vineyard Resort, states that he has no objection to the proposal and supports it.
- An e-mail from Spencer Felder, a visitor to the island, supports its expansion so that more of his family and friends can visit the resort.

Angela Fierelli, 67 New York Avenue, wanted to respond to John Best's comment that the smaller B&Bs could be converted to residential dwellings is beneficial. She commented that from a different point of view, many of the B & Bs are being converted making fewer rentable rooms on the island.

Paul Foley commented that the recent *Boston Globe* article made the point that people who can afford a down payment on a B & B probably don't want to be serving other people and will want the buildings for private homes.

4.5 Commissioners' Questions

Richard Toole said that there has been concern about noise and exterior activities. He asked Mr. Robinson to comment about the history of functions at the site. **Mr. Robinson** said:

- the police would have no record of any disturbances in the 45 years that the Robinsons have been there;
- there hasn't been a party at the site for 12-15 years; people do come to the lobby to play cards or watch TV;
- the lights at the tennis court have been not been on for tennis at night; no tennis match has been played after 5:00 p.m.; the lights were used once to illuminate the steps during a wedding;
- they have had one wedding in fifteen years; they provided facilities for a wake;

Richard Toole asked whether **Mr. Robinson** would be willing to have a limit on how many functions they could have. **Mr. Robinson** said that would not be a problem because they are basically not a function type place.

Linda DeWitt asked whether the hotel serves food. **Mr. Robinson** said:

- they serve a continental breakfast, which is juice, muffins, bagels, donuts, cereal, homemade breads and no hot foods of any kind;
- the rooms have small convenience refrigerators but no hotplates or cooking facility;
- no lunch or dinner is served.

Linda DeWitt read that the condition for the previous approval states that no lights will be erected for the tennis courts. **Mr. Robinson** explained that there are two spotlights that shine down on the entrance of the building and are not lights for the tennis court.

Doug Sederholm asked about the dimensions of the dormitory rooms for the staff. **Mr. Robinson** said that he believes that they are 8 foot by 8 foot, with one staff member per room. Each room will have a bath. The Commission will check the dimensions on the plan.

James Athearn asked for clarification on parking, particularly in terms of the condition regarding backing onto Chickawauke and making parking available to the neighboring church.

- **Mr. Robinson** said that the entrance would be from New York Avenue; churchgoers can use spaces closest to the church. He doesn't want to plant a hedge along Chickawauke or disrupt the relationship with the church.
- **Mark London** said that the original condition said no parking, backing onto, or accessing from Chickawauke. He clarified that presently there is parking along Chickawauke. To get to the hotel, a driver pulls in from Chickawauke and parks with part of the vehicle on Mr. Robinson's property and part on Chickawauke. In the proposed new configuration, cars pull into the internal road off of New York Avenue, but the plans indicate that parking for the church and for the hotel might still take place on public property on Chickawauke unless plantings or fencing were erected or unless the town chose to eliminate the parking possibility.
- **Mr. Robinson** clarified that he intends to allow the church to use his property for parking.

Mark London said that it would be useful for the Robinsons to state their intention regarding number of functions and time. Also useful would be for the Robinsons to state that they have no intention of serving any other food than the continental breakfast and to do no cooking on site. **Mr. Robinson** said that the laws for hotels must provide lunches or dinners for travelers; by stating that no cooking will be done, the hotel would be in violation of state laws.

Christina Brown said that the laws are peculiar in whether they apply to hotels or inns and it would be very helpful if the Robinsons were to clarify their intentions.

- **Mr. Robinson** responded that they do not intend to provide lunch and dinner to their guests and they do not intend to provide lunch and dinner to the "weary traveler passing by".
- **Mark London** said that the concern is what is on paper, not what's in operation now. There needs to be a commitment on the constraints to food service and functions.
- **Mr. Robinson** said that he was sure they could agree on language. It is not his intention to have a restaurant for guests or for the public. The intention is to comply with the law. He will develop language that commits to constraints on food service and functions.

Doug Sederholm asked whether there are requirements for on-site housing for employees. **James Athearn** said that when he built housing for his workers, the housing had to comply with state standards for human habitation, which specified the square footage and window area per person.

Linda DeWitt asked how staff would be fed. **Mr. Robinson** said that, as they do now, they would be eating in town. There is no cooking on that facility other than by and for the family.

Doug Sederholm said that his understanding is that staff is usually made up of family members. **Mr. Robinson** said that at this point they have no payroll, but the addition will require more help.

Andrew Woodruff asked for information on how the project has grown from an approximate 10,000 square foot project to a 15,000 square foot project and where the increase in space is. **Mr. Robinson** said the affordable housing rooms increase the project, maintenance and laundry add square footage, and a room downstairs may house day care. **Mark London** clarified that once the building was expanded or pulled out on the ground floor for staff housing, it was pulled out on the second and third floor to square out the building, resulting in rooms on the second and third floor that seem to be 30 or 40 feet long.

Paul Foley explained that the new proposal is about 75 feet long parallel to New York Avenue and about 48 feet long parallel to Chickawaukee.

Megan Ottens-Sargent asked if it was possible to reduce the size of the proposal and maintain the Robinsons' business plan, expressing concern about the size of the expansion and the need for 40-foot long rooms. **Mr. Robinson** said that at the Mansion House, they have rooms with a similar configuration of 31 feet long. The traveling public wants larger rooms. Four out of fourteen rooms are that configuration.

Linda DeWitt asked whether the big rooms would have air-conditioning or heat. **Mr. Robinson** stated that the rooms would have efficient heating/air-conditioning systems.

Mark London said that the internal layout was done relatively quickly; it might be desirable to leave some flexibility for refining the design based on the same basic components, both in terms of the internal layout and the external design.

Megan Ottens-Sargent asked whether the planning board had a degree of architectural review. **John Bradford** responded that the review examines whether the architecture is in character and scale with the neighborhood. She said that some of the flexibility might be included in the conditions so that the Planning Board might have some say in the architectural details keeping them consistent with the neighborhood.

Paul Strauss said that Mr. Robinson has stated an intention to have some large bedrooms. If the Commission were to attempt to reduce the scale of the building, one way to achieve that would be to make the larger bedrooms approximately the size of the medium bedrooms. He suggested that if Mr. Robinson were to take a bit more time to work with the architect, a scaled down design could be developed that met Mr. Robinson's needs as well as giving the Commission a better design to work with.

Linda DeWitt reiterated the concern about the septic and would like to see Mr. Dowling's letter, as well as a more elaborate report. **Paul Foley** said the engineer said that it is not a nitrogen sensitive area and the size of the property is big enough to meet the capacity. The entire property is 50,000 square feet. **Christina Brown** suggested that Linda DeWitt would like more details about the septic.

Megan Ottens-Sargent asked about Energy Star appliances and whether the air conditioning is energy efficient. **Mr. Robinson** said an owner is the person most concerned about energy efficiency. He explained that the system he will use is far more efficient than systems from even five years ago.

Christina Brown closed the public hearing, leaving the written record open until 5:00 p.m., Monday, June 21st. She asked for a technical explanation from **Mr. Robinson** regarding the law about whether inns or hotels have to serve food. For the LUPC meeting, everyone will need copies of the Oak Bluffs Zoning By-Law that John Bradford read from. The Commission needs accurate measurements of rooms and of the exterior. Doug Dowling's letter should be part of the written record, as well as Bill Wilcox's interpretation of what this proposal needs for a septic and the site's capacity to handle that.

Mr. Robinson said in regard to the septic that the clay courts which have been excavated to a depth of 8 feet are much more efficient than a standard leaching field.

Christina Brown asked that **Mr. Robinson** put in writing the flexibility he might need to make changes to the scale or architectural details of the proposal. **Mark London** said that he has taken notes related to offers and possible conditions; he will work with **Mr. Robinson** on developing written materials for Monday.

5. OTHER

5.1 Special Municipal Employees

John Best raised the issue that the Ethics Commission has stated that Commissioners cannot do business before any board on the island without the designation of a “special town employee” by their town. This could impact potential Commission candidates. **Mark London** suggested that the Commission write a letter to each town asking whether the town agrees in principle to designate Commissioners “special town employee”. **Christina Brown** explained that the position, not the person, needs to be designated. She suggested that the Selectmen’s representative personally appear before the selectmen to make this request. The process for designation is simple and straightforward. At **Megan Ottens-Sargent’s** suggestion, she will draft a letter, but she reiterated that the request should be made personally.

5.2 CAIRPA

Megan Ottens-Sargent said that John Best came to a great meeting on water issues. She hasn’t reported on the meetings with Cape Cod and Nantucket Commission meetings but she would like to at a future meeting. They discussed a variety of issues related to water and the environment and shared ideas.

Mark London noted that the session was videotaping by staff and, after editing, would be available for viewing by the Commission.

5.3 Forum

Megan Ottens-Sargent encouraged everyone to come to the forum “The View from the Road”.

5.4 All-Island Boards

Mark London reported on the meeting of the All-Island Planning Board, which discussed cell towers. **Ned Orleans** explained that this is a first step in a process whereby the planning boards might be willing to get together to work as one group on the issue of cell towers, but more steps will be required before work could begin.

Christine Flynn reported that there was a joint meeting of the Dukes County Regional Housing Authority and the Homesite Committees for each of the towns, as well as public and non-profit agencies. The meeting and interaction between the groups was very positive. Another meeting will be held in September.

Megan Ottens-Sargent said she is really pleased to see all-island and joint committee meetings taking place.

Mark London reported that there was an all-island GIS meeting of groups using and sharing GIS resources.

Megan Ottens-Sargent said that the Commission is trying to get a representative from Coastal Zone Management to work again with the Commission. **Mark London** will continue trying to get in touch with CZM.

The meeting adjourned at approximately 10:00 p.m.

Chairman

Date

Clerk-Treasurer

Date